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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC., Plaintiffs, v. GOOGLE INC., Defendant.	Case No. CV 10-03561 WHA **JOINT STIPULATION AND [PROPOSED] ORDER REGARDING FACTS AND DOCUMENTS RELATED TO GOOGLE'S USE OF DECLARING CODE FROM JAVA SE 5 IN ANDROID** Trial Date: May 9, 2016 Dept: Courtroom 8, 19th Fl. Judge: Hon. William Alsup

1   The parties have met and conferred and reached the following agreement regarding basic

2 facts and documents related to Google's use of declaring code from the 37 Java API packages at

3 issue in Android:

4   1. The exhibits to Mr. Robert Zeidman's January 8, 2016 Expert Report (some as revised on

5 March 15, 2016) (Trial Exhibits 6698-6712) will be made a part of the record. These exhibits

6 will not be admitted into evidence, will not be displayed or otherwise shown to the jury, will not

7 be provided to the jurors, and will not be sent into the jury room for deliberations.

8   2. Neither party will discuss in the presence of the jury the contents of Trial Exhibits 6698-

9 6712, subject to paragraph (7).

10   3. Trial Exhibits 623 and 9100-9111 are admitted in evidence.

11   4. The parties agree the Court should read the following statement to the jury:

12   Mr. Robert Zeidman was retained by Oracle to perform a source code comparison. The

13 parties have agreed that Mr. Zeidman shall not testify live in the case. Mr. Zeidman performed a

14 comparison of the source code from the Java SE 5 platform and various versions of the Android

15 platform. He determined that Google used the following numbers of declaring code statements

16 from the 37 Java API packages in Android:

17   •   Android Gingerbread (API Level 9) – 11,578 declaring code statements

18   •   Android Gingerbread (API Level 10) – 11,578 declaring code statements

19   •   Android Honeycomb (API Level 11) – 11,578 declaring code statements

    •   Android Honeycomb (API Level 12) – 11,578 declaring code statements

20   •   Android Honeycomb (API Level 13) – 11,578 declaring code statements

21   •   Android Ice Cream Sandwich (API Level 14) – 11,432 declaring code statements

22   •   Android Ice Cream Sandwich (API Level 15) – 11,432 declaring code statements

23   •   Android Jelly Bean (API Level 16) – 11,433 declaring code statements

    •   Android Jelly Bean (API Level 17) – 11,434 declaring code statements

24   •   Android Jelly Bean (API Level 18) – 11,460 declaring code statements

25   •   Android KitKat (API Level 19) – 11,470 declaring code statements

26   •   Android KitKat (API Level 20) – 11,471 declaring code statements

27   •   Android Lollipop (API Level 21) – 11,475 declaring code statements

    •   Android Lollipop (API Level 22) – 11,475 declaring code statements

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- Android Marshmallow (API Level 23) – 11,457 declaring code statements

5. The jury shall be shown the demonstrative attached as **Exhibit A** while the Court reads the statement in Paragraph (4). The demonstrative itself shall not be admitted into evidence and shall not be given to the jury, though the numbers of declaring code statements read to the jury in Paragraph (4) are evidence.

6. The parties' other experts may rely upon Trial Exhibits 6698-6712 and this stipulation to the extent they could have done so if Mr. Zeidman had testified live.

7. The parties may state the number of declaring code statements set forth in Paragraph (4) at other points of the trial.

8. Neither party will call Mr. Zeidman to testify at trial.

Dated: May 16, 2016   KEKER & VAN NEST LLP

                                        By: /s/ Robert A. Van Nest
                                              ROBERT A. VAN NEST

                                              Attorneys for Defendant
                                              GOOGLE INC.

Dated: May 16, 2016   ORRICK, HERRINGTON & SUTCLIFFE LLP

                                        By: /s/ Annette L. Hurst
                                              ANNETTE L. HURST

                                              Attorneys for Plaintiff
                                              ORACLE AMERICA, INC.

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ATTESTATION OF CONCURRENCE

2   I, Annette L. Hurst, the ECF User whose ID and password are being used to file this Joint

3   Stipulation and [Proposed] Order Regarding Facts and Documents Related to Google's Use of

4   Declaring Code from Java SE 5 in Android, hereby attest that Robert A. Van Nest concurs in this

5   filing.

6

7   Dated: May 16, 2016

8   By: */s/ Annette L. Hurst*
                                                                   ANNETTE L. HURST
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10   **[PROPOSED] ORDER**

11   PURSUANT TO STIPULATION, IT IS SO ORDERED.

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13   Dated:

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                                                           By: _____
15   HON. WILLIAM ALSUP
                                                                 UNITED STATES DISTRICT JUDGE
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